
HOUSE BILL 2339

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Sells, Condotta, Reykdal, Taylor, and Springer

Read first time 01/11/12. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to unemployment insurance benefit charging relief
2 for part-time employers who continue to employ a claimant on a
3 part-time basis and the claimant qualified for two consecutive claims
4 with wages attributable to at least one employer who employed the
5 claimant in both base years; amending RCW 50.29.021; creating a new
6 section; and providing an effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 50.29.021 and 2011 c 4 s 14 are each amended to read
9 as follows:

10 (1) This section applies to benefits charged to the experience
11 rating accounts of employers for claims that have an effective date on
12 or after January 4, 2004.

13 (2)(a) An experience rating account shall be established and
14 maintained for each employer, except employers as described in RCW
15 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make
16 payments in lieu of contributions, taxable local government employers
17 as described in RCW 50.44.035, and those employers who are required to
18 make payments in lieu of contributions, based on existing records of
19 the employment security department.

1 (b) Benefits paid to an eligible individual shall be charged to the
2 experience rating accounts of each of such individual's employers
3 during the individual's base year in the same ratio that the wages paid
4 by each employer to the individual during the base year bear to the
5 wages paid by all employers to that individual during that base year,
6 except as otherwise provided in this section.

7 (c) When the eligible individual's separating employer is a covered
8 contribution paying base year employer, benefits paid to the eligible
9 individual shall be charged to the experience rating account of only
10 the individual's separating employer if the individual qualifies for
11 benefits under:

12 (i) RCW 50.20.050 (1)(b)(i) or (2)(b)(i), as applicable, and became
13 unemployed after having worked and earned wages in the bona fide work;
14 or

15 (ii) RCW 50.20.050 (1)(b) (v) through (x) or (2)(b) (v) through
16 (x).

17 (3) The legislature finds that certain benefit payments, in whole
18 or in part, should not be charged to the experience rating accounts of
19 employers except those employers described in RCW 50.44.010, 50.44.030,
20 and 50.50.030 who have properly elected to make payments in lieu of
21 contributions, taxable local government employers described in RCW
22 50.44.035, and those employers who are required to make payments in
23 lieu of contributions, as follows:

24 (a) Benefits paid to any individual later determined to be
25 ineligible shall not be charged to the experience rating account of any
26 contribution paying employer. However, when a benefit claim becomes
27 invalid due to an amendment or adjustment of a report where the
28 employer failed to report or inaccurately reported hours worked or
29 remuneration paid, or both, all benefits paid will be charged to the
30 experience rating account of the contribution paying employer or
31 employers that originally filed the incomplete or inaccurate report or
32 reports. An employer who reimburses the trust fund for benefits paid
33 to workers and who fails to report or inaccurately reported hours
34 worked or remuneration paid, or both, shall reimburse the trust fund
35 for all benefits paid that are based on the originally filed incomplete
36 or inaccurate report or reports.

37 (b) Benefits paid to an individual filing under the provisions of

1 chapter 50.06 RCW shall not be charged to the experience rating account
2 of any contribution paying employer only if:

3 (i) The individual files under RCW 50.06.020(1) after receiving
4 crime victims' compensation for a disability resulting from a nonwork-
5 related occurrence; or

6 (ii) The individual files under RCW 50.06.020(2).

7 (c) Benefits paid which represent the state's share of benefits
8 payable as extended benefits defined under RCW 50.22.010(6) shall not
9 be charged to the experience rating account of any contribution paying
10 employer.

11 (d) In the case of individuals who requalify for benefits under RCW
12 50.20.050 or 50.20.060, benefits based on wage credits earned prior to
13 the disqualifying separation shall not be charged to the experience
14 rating account of the contribution paying employer from whom that
15 separation took place.

16 (e) Benefits paid to an individual who qualifies for benefits under
17 RCW 50.20.050 (1)(b) (iv) or (xi) or (2)(b) (iv) or (xi), as
18 applicable, shall not be charged to the experience rating account of
19 any contribution paying employer.

20 (f) With respect to claims with an effective date on or after the
21 first Sunday following April 22, 2005, benefits paid that exceed the
22 benefits that would have been paid if the weekly benefit amount for the
23 claim had been determined as one percent of the total wages paid in the
24 individual's base year shall not be charged to the experience rating
25 account of any contribution paying employer. This subsection (3)(f)
26 does not apply to the calculation of contribution rates under RCW
27 50.29.025 for rate year 2010 and thereafter.

28 (g) The forty-five dollar increase paid as part of an individual's
29 weekly benefit amount as provided in RCW 50.20.1201 and the twenty-five
30 dollar increase paid as part of an individual's weekly benefit amount
31 as provided in RCW 50.20.1202 shall not be charged to the experience
32 rating account of any contribution paying employer.

33 (h) With respect to claims where the minimum amount payable weekly
34 is increased to one hundred fifty-five dollars pursuant to RCW
35 50.20.1201(3), benefits paid that exceed the benefits that would have
36 been paid if the minimum amount payable weekly had been calculated
37 pursuant to RCW 50.20.120 shall not be charged to the experience rating
38 account of any contribution paying employer.

1 (i) Upon approval of an individual's training benefits plan
2 submitted in accordance with RCW 50.22.155(2), an individual is
3 considered enrolled in training, and regular benefits beginning with
4 the week of approval shall not be charged to the experience rating
5 account of any contribution paying employer.

6 (j) Training benefits paid to an individual under RCW 50.22.155
7 shall not be charged to the experience rating account of any
8 contribution paying employer.

9 (4)(a) A contribution paying base year employer, not otherwise
10 eligible for relief of charges for benefits under this section, may
11 receive such relief if the benefit charges result from payment to an
12 individual who:

13 (i) Last left the employ of such employer voluntarily for reasons
14 not attributable to the employer;

15 (ii) Was discharged for misconduct or gross misconduct connected
16 with his or her work not a result of inability to meet the minimum job
17 requirements;

18 (iii) Is unemployed as a result of closure or severe curtailment of
19 operation at the employer's plant, building, worksite, or other
20 facility. This closure must be for reasons directly attributable to a
21 catastrophic occurrence such as fire, flood, or other natural disaster;

22 (iv) Continues to be employed on a regularly scheduled permanent
23 part-time basis by a base year employer and who at some time during the
24 base year was concurrently employed and subsequently separated from at
25 least one other base year employer. Benefit charge relief ceases when
26 the employment relationship between the employer requesting relief and
27 the claimant is terminated. This subsection does not apply to shared
28 work employers under chapter ~~((50.06))~~ 50.60 RCW; ~~((or))~~

29 (v) Continues to be employed on a regularly scheduled permanent
30 part-time basis by a base year employer and who qualified for two
31 consecutive unemployment claims where wages were attributable to at
32 least one employer who employed the individual in both base years.
33 Benefit charge relief ceases when the employment relationship between
34 the employer requesting relief and the claimant is terminated. This
35 subsection does not apply to shared work employers under chapter 50.60
36 RCW; or

37 (vi) Was hired to replace an employee who is a member of the
38 military reserves or National Guard and was called to federal active

1 military service by the president of the United States and is
2 subsequently laid off when that employee is reemployed by their
3 employer upon release from active duty within the time provided for
4 reemployment in RCW 73.16.035.

5 (b) The employer requesting relief of charges under this subsection
6 must request relief in writing within thirty days following mailing to
7 the last known address of the notification of the valid initial
8 determination of such claim, stating the date and reason for the
9 separation or the circumstances of continued employment. The
10 commissioner, upon investigation of the request, shall determine
11 whether relief should be granted.

12 NEW SECTION. **Sec. 2.** If any part of this act is found to be in
13 conflict with federal requirements that are a prescribed condition to
14 the allocation of federal funds to the state or the eligibility of
15 employers in this state for federal unemployment tax credits, the
16 conflicting part of this act is inoperative solely to the extent of the
17 conflict, and the finding or determination does not affect the
18 operation of the remainder of this act. Rules adopted under this act
19 must meet federal requirements that are a necessary condition to the
20 receipt of federal funds by the state or the granting of federal
21 unemployment tax credits to employers in this state.

22 NEW SECTION. **Sec. 3.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

26 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2013.

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